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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,980	04/21/2004	Robert Lombardi	0263421-0044	6924

24280 7590 06/20/2007
CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

EXAMINER

GROSSO, HARRY A

ART UNIT	PAPER NUMBER
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3781

MAIL DATE	DELIVERY MODE
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06/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary	Application No. 10/828,980	Applicant(s) LOMBARI, ROBERT	
	Examiner Harry A. Grosso	Art Unit 3781	

All participants (applicant, applicant's representative, PTO personnel):

(1) Harry A. Grosso.

(3) Stacy Blasberg.

(2) Anthony Stashick.

(4) Sam Pasternack.

Date of Interview: 12 June 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: _____.

Identification of prior art discussed: Carter (2004/0173624 A1).

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

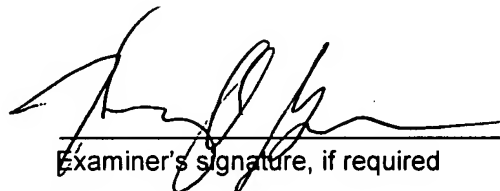
(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



ANTHONY B. STASHICK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Examiner Note: You must sign this form unless it is an
Attachment to a signed Office action.



Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Ms. Blasberg and Mr. Pasternack requested the interview to discuss the inventor's Declaration filed under 37 CFR 1.131 to overcome the Carter reference. The Examiner had previously indicated the declaration was ineffective because Carter claimed the same invention as applicant. Review of the current claims pending in the Carter application revealed that Carter no longer claims the same invention. The inventor's Declaration will be reconsidered. Examiner Grosso noted that the provisional double patenting rejection would still be proper for claims where Carter is not cited as a secondary reference. Examiner Grosso advised that he was aware of two additional patents that are not currently of record in the application but may be pertinent. They are Greer (3,847,182) and Tsai (6,401,966)..